

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

THE INDEPENDENT ORDER OF FORESTERS,)	
)	
)	
Plaintiff,)	
)	
vs.)	No.: 07-C-50242
)	
THE ESTATE OF SUSAN COLDREN, and)	
)	
)	
DUSTIN COLDREN)	
)	
Defendants.)	

**THE INDEPENDENT ORDER OF FORESTERS' MOTION
FOR ENTRY OF A FINAL DECREE OF INTERPLEADER**

The Independent Order of Foresters ("Foresters") moves this Honorable Court to grant it the final interpleader relief set out in the attached proposed Final Decree of Interpleader tendered with this motion and in support states as follows:

1. Foresters has filed a complaint for interpleader relief against The Estate of Susan Coldren ("Estate") and Dustin Coldren ("Dustin") to resolve their previously submitted conflicting adverse claims to \$20,000 of life insurance benefits remaining due and payable under Foresters's Certificate No. 4129885 ("Certificate") insuring Marlin D. Coldren ("Insured") with an issue date of April 13, 1993.

2. The Estate and Dustin have been served and have appeared before this Court.

3. As appears from the admissions, pleadings and exhibits on file herein: (a) adverse and conflicting claims have been made to the life insurance proceeds due as a result of the Insured's death; (b) Foresters unconditionally admitted liability for the life insurance proceeds under the Certificate and on account of the death of the Insured; (c) the adverse and conflicting

claims of the defendants subject Foresters to possible double or multiple liability; and (d) Foresters is entitled to this Court's protection by entry of a final decree of interpleader.

4. Foresters has moved for leave to deposit its full and total liability for insurance benefits, including interest, on account of the death of the Insured, by delivering same with the Clerk of this Court.

5. Foresters tenders with this motion a proposed Final Decree of Interpleader which, upon entry by this Honorable Court, would terminate Foresters' participation in this lawsuit, in which Foresters has no interest other than to discharge its admitted liability under the Certificate.

Respectfully submitted,

THE INDEPENDENT ORDER OF
FORESTERS

By: /s/Morgan J. Milner

Morgan J. Milner,
one of its attorneys

Donald A. Murday
Morgan J. Milner
CHITTENDEN, MURDAY & NOVOTNY LLC
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Certificate of Service

I hereby certify that on **February 19, 2008** I electronically filed the foregoing Defendant The Independent Order of Foresters' Motion for Entry of A Final Decree of Interpleader with the Clerk of the U.S. District Court, Northern District of Illinois, Western Division, using the CM/ECF system which sent notification of such filing to the following CM/ECF registered participants:

Theodore Liebovich, Esq
Liebovich & Weber, P.C.
415 S. Mulford Road
P.O. Box 6066
Rockford, IL 61125-1066
liebovich-weber@insightbb.com

and to:

Dustin Coldren
603 Aqua St., Apt. 69
Athens, TN 37303

by enclosing a copy in a sealed, correctly addressed, first-class postage prepaid envelope and depositing same in the U.S. Mail at 303 West Madison Street, Chicago, Illinois, prior to 5:00 p.m. on February 19, 2008.

DATED this **19th** day of **February, 2008**.

/s/ Morgan J. Milner
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